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**A Review of *Samuel Moyn, Not Enough:  
Human Rights in an Unequal World*  
(Harvard University Press, 2018)**

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## **Shaming Human Rights**

**A Review of Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Harvard University Press, 2018), 296 pages**

Gráinne de Búrca\*

The primary if not sole concern of Samuel Moyn in his recent, critically-fêted book *Not Enough: Human Rights in an Unequal World* is distributive or material equality. If this were not already clear from the preceding chapters of the book, the concluding chapter, which draws on the allegorical tale of Croesus, makes it quite evident. The first normative argument Moyn wants to make is that even if the economic and social needs and the political and civil liberties of all individuals were adequately met, and all of the world's population lived in dignity and freedom with material sufficiency, the existence of a gulf between the richest and the rest in terms of wealth and prosperity would be unacceptable and immoral. The second and more empirical argument of the book is that the human rights system has failed to address this gulf and instead has obligingly accompanied the growing gap between the rich and the rest.

Given his primary focus on material inequality, the fact that the human rights system is the main target of Moyn's ire in this book is at first glance rather odd. He is not directly attacking the system of capitalism, nor its more recent political incarnation in the guise of global and domestic neoliberalism, despite the fact that these ideological systems are directly linked to the root causes of the material inequality with which he is concerned. Instead, the object of his scorn is the human rights movement, including the ideals of human rights on which it is founded, the international system which has been established to implement such rights, and the social movements as well as the individuals who have sought to promote and enforce human rights in practice. The book contains a sharp indictment of the work of human rights activists and practitioners, and of the scholars and public figures who provided the intellectual basis for various parts of the movement. While this indictment is occasionally tempered with acknowledgement of some of the achievements of the human rights movement - 'combating political repression and

restraining excessive violence’ - the great and glaring sin of the human rights movement, according to Moyn, is its failure to challenge market fundamentalism.

The fact that the human rights movement and the human rights system have failed to deliver on the goal of material equality, or more specifically have not managed to set a ceiling on the permissible gap between the richest and the rest, forms the thrust of the book’s critique. This failure, the author tells us, should be a matter of shame to the activists and lawyers of the human rights movements. Human rights have been ‘unambitious in theory and ineffectual in practice’ in the face of the success of market fundamentalism. They have ‘occupied the global imagination but contributed little of note’, and have acted as the unthreatening companion of neoliberalism. Hence not only does Moyn condemn the human rights movement for failing to set itself the explicit goal of material equality, but he also excoriates the movement and its activists and intellectuals for accompanying and humanizing, rather than challenging and overthrowing, the rise of neoliberalism.<sup>1</sup>

Harsh criticisms these, but Moyn’s book has won itself many adherents as reviewers aplenty have joined and extended his scathing indictment of the human rights system, encouraging others to abandon the apparently ineffective and substantially failed human rights movement in our era of inequality. One reviewer, whose review Moyn himself has retweeted over twenty times, announced with approval that “young men and women” are unlikely today “to fall for a human rights anti-politics miraculously placed beyond political economy”.<sup>2</sup>

It is customary in a book review, before turning to the critique, to give an account of the strengths of the work, and a book that has been the subject of as much rapturous acclaim as *Not Enough* certainly has many strengths. From this reviewer’s perspective, the main strengths of the book are its descriptive chapters tracing the

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<sup>1</sup> Other admirers of Moyn’s book go further still. Stephen Hopgood has argued that “Human rights’ systematic lack of attention to what Moyn calls the ceiling of material inequality comes, I would argue, because human rights are the ideological form of protest to which neoliberalism naturally gives rise”. See S Hopgood “Fellow Travelers: Human Rights and Class Inequality”, 10 July 2018, <https://tocqueville21.com/focus/fellow-travelers-human-rights-and-class-inequality/>

<sup>2</sup> Pankaj Mishra, “The Mask it Wears”, *London Review of Books* Vol. 40 No. 12 · 21 June 2018, pages 9-13

intellectual history of notions of welfare and social rights since the Jacobin period. These chapters are carefully written and provide an interesting historical analysis of some key political as well as intellectual debates during different periods from the time of the French revolution through that of post-war Europe, the Roosevelt New Deal era, the New International Economic Order movement of the 1970s and amongst some American economists and philosophers in the 1980s and thereafter on the subjects of national as well as global welfare, equality, social rights and development. The analysis here is rich and interesting, helping to put contemporary debates on welfare and socio-economic rights in historical context and perspective. The recurrent theme of these chapters is Moyn's careful though not entirely successful attempt to draw a distinction between those intellectual aspirations, ideals and political programs which were focused primarily on sufficiency and those dedicated to a more ambitious notion of material equality.

In terms of its normative argument, *Not Enough* builds on a substantial body of critical-left scholarship on international law which has pointed out the weaknesses and vicissitudes of human rights practice, language and law over the decades. Scholars such as David Kennedy, Martti Koskenniemi, China Meville, Makau Mutua, Buphinder Chimni, Susan Marks and others have long argued that liberal international norms including human rights law have failed to address structural injustices in general and global economic injustice in particular, and that the human rights system has accompanied and tolerated immense material and social injustice. *Not Enough* differentiates itself from these by virtue of its specific focus on the engagement of the international human rights movement with economic and social rights, in order to develop the argument that this engagement has failed to address a grotesque increase in inequality domestically and not just globally. In this respect, Moyn repeatedly makes the point that scholars and practitioners of international human rights have limited the aspirations of the system by articulating an obligation on states to ensure a basic level of material *sufficiency* for their citizens, rather than focusing on equality. Amongst the many reasonable if not novel criticisms articulated in the book are that the human rights movement and system has succeeded much less well in the promotion of economic and social rights than it has in its advancement of civil and political rights, and that the language and

concepts of human rights were taken up and co-opted by advocates of global capitalism and economic liberalism in an effort to give overwhelming if not exclusive emphasis again to the right to property and freedom of contract as justification for their preferred economic and political ideology.

There is however also much to be said by way of critical reflection on *Not Enough*, not least by expanding on the wry observation (which Moyn has hotly challenged<sup>3</sup>) of one South American commentator as to the ‘delicious US-centrism’ of parts of the book.<sup>4</sup> This review will not focus specifically on whether it is US-centric but on a number of other aspects of the book which make it a peculiarly one-eyed and exaggerated account of the human rights movement in general and its engagement with socio-economic injustice.

As *Not Enough* tells it, closing the size of the gap between rich and poor has become the main compelling contemporary public policy goal worthy of pursuit, and the failure of the human rights movement to make progress on the imposition of a ceiling on economic inequality merits it being labelled an ineffectual and unambitious project in which those concerned about injustice in an age of inequality should not be encouraged to invest their energies. The identification of this overarching goal as the main priority for our times is asserted rather than defended in any detail in the book. Moyn makes clear that the gist of his critique is the failure of human rights to set itself this (rather more controversial as well as underspecified) goal of material equality rather than just its failure to make adequate progress on promoting socio-economic rights. And although at various points throughout the book he acknowledges that the human rights movement has made a contribution to other worthwhile goals, Moyn dubs many of these “the concerns of status equality”, and declares that such concerns are today, by comparison with distributive equality, largely a matter of consensus “even if honored in the breach”.

First, even given the America-centrism of some of the book’s perspective, the suggestion that the concerns of status equality have become broadly a matter of

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<sup>3</sup> Sam Moyn “Bias and Exclusion in Human Rights History”, Law and Political Economy Blog, August 13 2018, <https://lpeblog.org/2018/08/13/bias-and-exclusion-in-human-rights-history/>

<sup>4</sup> Julieta Lemaitre “The View From Somewhere: On Samuel Moyn’s Not Enough” <https://lpeblog.org/2018/07/09/the-view-from-somewhere-on-samuel-moyns-not-enough/>

consensus today is breath-taking in either its naïveté or disingenuousness, both in relation to other parts of the world as well as in relation to the US. Take first racial equality in the US. How many African-Americans in the United States today, quite apart from those who work on mass incarceration, the school-to-prison-pipeline or police violence, would agree with the assessment that their equal social and civic status has become much more a matter of consensus? Take gender equality. While the book nods approvingly towards the work of the human rights movement in pursuing gender equality, Moyn also raises the question whether the focus of the human rights system on violence against women (“an ideological and strategic choice to be selective”, p 205) was part of a western bias towards concentrating on an issue which allowed the finger to be pointed at countries in other parts of the world and to distract attention from the concerns of material inequality ignored by the west (“some did worry that it recapitulated old orientalist stereotypes and that new campaigns were disconnected from larger goals”, p 205). Again, activists working in the US and in many other countries of the global north against gender violence would likely take issue not just with the implication that there are priorities which might well displace gender violence if attention were to be properly trained instead on material inequality, as well as with the implication that gender violence may not be an issue of as much concern in countries of the west as it is in other parts of the world. Take a third example of sexual orientation and gender identity. The blithe assertion that the concerns of status equality are now “more accepted than ever before” can be set alongside the recent statement issued by the UN Office of the High Commissioner for Human Rights (OHCHR), that: “deeply-embedded homophobic and transphobic attitudes, often combined with a lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, expose many lesbian, gay, bisexual and transgender (LGBT) people of all ages and in all regions of the world to egregious violations of their human rights. They are discriminated against in the labour market, in schools and in hospitals, mistreated and disowned by their own families. They are singled out for physical attack – beaten, sexually assaulted, tortured and killed. .[I]n some 77 countries, discriminatory laws criminalize private, consensual same-sex relationships – exposing individuals to the risk of arrest, prosecution, imprisonment – even, in at

least five countries, the death penalty.”<sup>5</sup> So much for the widely accepted status equality of LGBTQ persons today. Equally, the notion that the status equality of persons with disabilities – from physical to intellectual to psychosocial disabilities - is widely accepted today would likely be met with considerable surprise by anyone who has worked within the disability rights movement for any period of time. To quote again from the UN OHCHR: “in every region of the world, in every country, persons with disabilities often live on the margins of society, deprived of some of life’s fundamental experiences. They have little hope of going to school, getting a job, having their own home, creating a family and raising their children, socializing or voting. Persons with disabilities make up the world’s largest and most disadvantaged minority. The numbers are damning: 20% of the world’s poorest people are with disabilities, 98% of children with disabilities in developing countries do not attend school, around a third of the world’s street children live with disabilities, and the literacy rate for adults with disabilities is as low as 3%, and 1% for women with disabilities in some countries”.<sup>6</sup>

Secondly, apart from the assertion that ‘status equality’ in contemporary times has become broadly a matter of consensus, the implicit assumption underpinning much of the book’s critique of the human rights movement is that the (relatively successful) struggle for status equality is distinct from the (unsuccessful) struggle for socio-economic justice. To return to the issue of ethnic and racial equality in America, I doubt that activists working on issues of racial equality in the US would view the ‘civil and political rights’ issues of police violence, incarceration or voting rights as separable from the ‘socio-economic rights’ issues of education, health, employment and poverty facing black communities in America, or that they would understand issues of status equality as being in any meaningful way separable from issues of economic injustice and material inequality. Similarly I doubt that those who work on issues of gender equality, whether in relation to the ‘civil and political rights’ issues of sexual harassment, political participation or violence against women, or in relation to the ‘economic and social rights’ issues of health and reproductive rights, employment or poverty, see the issues of status equality as being meaningfully separate from

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<sup>5</sup> UN Office of the High Commissioner on Human Rights, “Combating Discrimination based on sexual orientation and gender identity” <https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>

<sup>6</sup> See the UN handbook “[From Exclusion to Equality: Realizing the Rights of Persons with Disabilities](#)”, and “Combating Discrimination against Persons with Disabilities” [https://www.ohchr.org/en/issues/discrimination/pages/discrimination\\_disabilities.aspx](https://www.ohchr.org/en/issues/discrimination/pages/discrimination_disabilities.aspx)



issues of socio-economic justice and material inequality. And it is very clear from the statement of the OHCHR above that status inequality and material inequality are deeply intertwined in the context of disability.

Thirdly, even for those who believe that the pursuit and promotion of civil and political rights is generally distinct and separable from the pursuit of socio-economic rights, and even accepting Moyn's broader point that 'pure' status equality concerns have achieved greater prominence and success than material equality concerns, it seems peculiarly implausible to suggest – particularly in an era of intensifying crackdown on human rights advocates in all parts of the world - that the many struggles of the human rights movement on civil and political rights and issues of 'status equality' have become broadly uncontroversial or can be taken for granted by comparison with the failure to make progress in relation to the imposition of a ceiling on material inequality. Many lives have been lost by courageous human rights and environmental defenders challenging precisely the kind of corporate power and economic interests that *Not Enough* sets itself against.<sup>7</sup> To provide fuel for an argument that infers that these and many other human rights practitioners and activists working to challenge both economic and political power are engaged in a human rights anti-politics placed beyond political economy seems both careless and wrong.

Fourthly, what solution or alternative, if any, does the book offer? It is not necessarily the responsibility of a scholar to outline an alternative to the system which he or she aims to critique, but Moyn in *Not Enough* seems to want to contemplate solutions to the dilemmas he seeks to identify. Reflecting his general disenchantment with human rights, Moyn's response to the lack of adequate progress of the human rights movement in promoting socio-economic rights is not to argue that the movement should seek to refocus in an age of extreme inequality on socio-economic justice, but rather to suggest that the human rights movement is

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<sup>7</sup> The Guardian newspaper has begun a count of environmental and indigenous activists who have been killed: <https://www.theguardian.com/environment/ng-interactive/2018/feb/27/the-defenders-recording-the-deaths-of-environmental-defenders-around-the-world>. And Front Line Defenders keeps track of some other categories of human rights activist, including indigenous and land rights activists, who have been killed because of their work: see eg Annual Report on Human Rights Defenders at Risk in 2017, <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>

unlikely, given its lack of ambition and effectiveness to date on the issue, to be fit for this purpose, and that “human rights...simply have nothing to say about material inequality” (p.216). To the extent to which he points to a preferred solution, the concluding chapter of the book points towards a socialist political system as the alternative. But the book provides no detail or suggestion as to what that system might entail, in what ways it could avoid the kinds of pitfalls that befell earlier socialist political systems, or how it would be more likely to achieve the goal he is advocating without undermining other important rights and values. What is the model of socialism, divorced from the human rights commitments whose weaknesses and biases Moyn’s scholarship is dedicated to highlighting, that will reduce material inequality while avoiding other forms of oppression and injustice? It remains unclear what ideals or commitments – other than a commitment to material equality (which is not defined or fleshed out in the book) – would underpin the alternative system advocated in *Not Enough*, given the book’s conclusion that the ideals of the human rights system are inadequate.

By comparison with Moyn’s abstract alternative of a political socialism detached from the unsatisfactory human rights movement which he considers to have displaced socialism (see chapter 7), it is interesting to note that some of the actually existing attempts to promote democratic socialism in the United States at present, far from rejecting the human rights movement and human rights ideals, include a wholehearted embrace of the indivisibility of civil and political rights and economic social and cultural rights by some of its most prominent recent proponents such as Bernie Sanders and Alexandria Ocasio-Cortez.<sup>8</sup> Not only do they not posit a false alternative between emphasizing the injustice of material equality and the injustice of gender inequality and racial oppression, but like many effective and committed human rights activists they present these issues as fundamentally intertwined and equally important in the pursuit of a fairer society, locally and globally.

The ideals which underpin the human rights system and movement are that all human beings are equal in terms of their dignity and worth, and that by virtue of

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<sup>8</sup> For Sanders, see e.g. <http://healthcareisahumanright.org/resources/bernie-sanders-healthcare-is-a-right-not-a-privilege/> and <https://eu.usatoday.com/story/news/politics/elections/2015/11/18/sen-bernie-sanders-explain-his-embrace-democratic-socialism/75987572/>. For Alexandria Ocasio-Cortez, see <https://ocasio2018.com/issues>

their humanity they enjoy a range of rights – now recognized by positive law in a series of international treaties - covering civil, political, economic, social and cultural issues. Moyn offers no reason why these ideals are not suitable to underpin a political system which is committed to redistribution, as a socialist system would be, apart from his disappointment at the failure of the human rights movement to have addressed material inequality during the rise of neoliberalism. The reality, as indeed he recognizes, is that the human rights system has not succeeded in the promotion of socio-economic rights and justice in large part because political systems – political leaders and parties, as well as financial institutions - in an era of neoliberalism have not been committed to redistribution but instead have willingly facilitated the accumulation of wealth by the wealthy. The human rights system may have failed in challenging the lack of political interest in redistribution since the 1970s, but so too did the democratic system over many decades. Has Moyn lost faith in democracy too, given its failure to prevent extreme inequality and its failure to challenge neoliberalism? This question is not addressed or answered in the book, and the reader is left to wonder. The only hint that he may also be disenchanted with democracy comes in the final pages of the book, where he suggests that there is a need for a “reformism of fear” – which the human rights movement was unable to supply – to prompt the kind of redistribution which was seen under totalitarian regimes in the past. Beyond this, however, no further detail is offered as to what kind of non-violent, non-oppressive system of socialist redistribution prompted by ‘fear’ could deliver the kind of material equality he advocates. Our current age of gross inequality is unquestionably in urgent need of a more sustained and determined political project of material redistribution, but *Not Enough* provides no convincing reason why socialism and human rights should be seen as alternatives in the pursuit of socio-economic justice, or why a strong commitment to human rights ideals and to material redistribution are not best pursued together in the context of a revitalized democratic system.

The book concludes with the observation that for human rights activists and lawyers “there ought to be some shame in succeeding only amid the ruins of materially egalitarian aspiration at every scale” (p 217). But some might say the real shame lies with those advancing provocative but somewhat artificial and exaggerated critiques,

which attract the attention of scholars and reviewers but do not seek to identify viable alternative strategies to confront the challenges of extreme inequality. One-sided critiques that downplay the achievements of the human rights movement while blaming it for many of the problems stemming from the triumph of neoliberalism in recent decades do little more than provide ammunition to strengthen the chorus of conservative and other voices denigrating the human rights project and the work of human rights actors who have fought in challenging and dangerous circumstances to promote social justice of all kinds, economic and well as political.

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